

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KATHERINE MILLER	:	Case No. 1:21CV00355
6404 Tracy Place	:	
Mason, OH 45040	:	Judge
	:	
Plaintiff,	:	
vs.	:	
	:	
GRAYBAR ELECTRIC COMPANY	:	
1022 W. 8th Street	:	
Cincinnati, OH 45203	:	
	:	
Defendant.	:	

COMPLAINT AND JURY DEMAND

Plaintiff Katherine Miller, for her Complaint against GrayBar Electric Company (“GrayBar”), states as follows:

I. PRELIMINARY STATEMENT

1. This is a civil rights action arising out of Plaintiff Katherine Miller's employment with GrayBar. Ms. Miller alleges that she was a victim of discrimination and was terminated because of her race.
2. Ms. Miller's claims arise under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the Ohio Civil Rights Act.
3. Ms. Miller seeks relief for the aforementioned acts and/or omissions in the form of compensatory damages for both her economic and non-economic injuries. She also seeks punitive damages and equitable relief in the form of reinstatement or front pay, and an award of her reasonable attorney's fees and costs in prosecuting this matter.

II. JURISDICTION AND VENUE

4. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 to secure protections and redress deprivations of rights conferred by Title VII and 42 U.S.C. § 1981. This Court may assume supplemental jurisdiction over Ms. Miller's state law claims pursuant to 28 U.S.C. § 1367 because those claims derive from the same nucleus of operative facts as her federal claims.

5. Venue with this Court is appropriate because all or part of the claim for relief arose in the Southern District of Ohio.

III. PARTIES

6. Plaintiff Katherine Miller is a United States citizen and a resident of Hamilton County, Ohio.

7. GrayBar employed Ms. Miller and is a New York corporation doing business in the Southern District of Ohio. GrayBar distributes electrical, communications, and data networking products. GrayBar is an "employer" as that term is defined by Title VII.

IV. ADMINISTRATIVE HISTORY

8. On August 25, 2020, Ms. Miller filed an administrative charge of discrimination against GrayBar with the Equal Employment Opportunity Commission (473-2020-01565). She alleged that GrayBar terminated her because of her race. The EEOC issued Ms. Miller a Notice of Right to Sue on March 1, 2021. This action is brought within 90 days of receiving the right-to-sue notice.

V. STATEMENT OF THE CASE

9. GrayBar hired Ms. Miller on or about June 16, 2019 as an outside salesperson.

10. Ms. Miller was the only African American salesperson in her office.

11. Ms. Miller's 2019 sales performance exceeded that of many of the other outside salespeople in the Cincinnati office. Accordingly, Ms. Miller received a positive 2019 performance review.

12. As a result of the COVID-19 pandemic, GrayBar's sales as a whole were down significantly in 2020.

13. On June 12, 2020, GrayBar notified Ms. Miller that she was being "removed from [her] position and employment" with GrayBar. GrayBar did not give her a reason for her termination.

14. Though she was not meeting all of her sales goals, Ms. Miller's performance during the COVID-19 pandemic exceeded that of many of her Caucasian counterparts.

15. Ms. Miller was terminated because of her race.

16. As a direct and proximate result of GrayBar's unlawful actions, Ms. Miller has suffered and continues to suffer economic injuries in the form of lost pay and benefits, as well as non-economic injuries, including emotional distress and pain and suffering.

VI. STATEMENT OF CLAIMS

Count 1: Race Discrimination

42 U.S.C. § 2000e, 42 U.S.C. § 1981, & Ohio Rev. Code § 4112

17. Plaintiff incorporates paragraphs 1 through 16 as if fully rewritten herein.

18. Ms. Miller is African American.

19. Defendant terminated Ms. Miller.

20. Ms. Miller was qualified for the position of outside salesperson.

21. Ms. Miller was treated less favorably than her similarly-situated Caucasian counterparts.

22. As a result of the Defendant's actions, Ms. Miller suffered damages, including lost wages and emotional distress.

PRAYER FOR RELIEF

Wherefore, Ms. Miller demands judgment against GrayBar as follows:

1. An award of compensatory damages for all economic damages suffered by Ms. Miller in an amount to be determined at trial, plus interest;
2. An order reinstating Ms. Miller to her previous position, inclusive of all pay increases and benefits to which she would have been entitled had she not been terminated, or in the alternative, an award of front pay;
3. An award of compensatory damages for all non-economic damages suffered;
4. An award of punitive damages;
5. An award of Ms. Miller's reasonable attorney fees and costs; and
6. An award of any other relief in law or equity to which Ms. Miller is entitled.

Respectfully submitted,

MEZIBOV BUTLER

/s/ Brian J. Butler

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JURY DEMAND

Plaintiff Katherine Miller demands a jury trial to resolve all issues of fact related to her Complaint.

/s/ Brian J. Butler
Brian J. Butler (OH No. 0082675)